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IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

WILLIE DAVIS, JR.,)	CA No 04-0414-KAJ
NATHANIEL BRIDDELL,)	
GEORGE W. FEDDIMAN,)	
JOSEPH GARRISON,)	
LARRY E. GIBBS,)	
ROY H. WALTERS,)	
)	
ALL SIMILARLY-SITUATED CURRENT AND)	
FORMER EMPLOYEES OF MOUNTAIRE)	
FARMS, INC., MOUNTAIRE FARMS OF)	
DELMARVA, INC., and MOUNTAIRE FARMS)	
OF DELAWARE, INC.,)	
)	
Plaintiffs,)	
)	
v.)	
)	
MOUNTAIRE FARMS, INC.,)	
MOUNTAIRE FARMS OF DELMARVA, INC.,)	
and MOUNTAIRE FARMS OF)	
DELAWARE, INC., all Delaware)	
corporations,)	
)	
Defendants.)	

.. . . .

Deposition of NATHANIEL BRIDDELL, taken
pursuant to notice, on Thursday, January 27, 2005 at
10:00 a.m. at Young, Conaway, Stargatt & Taylor,
Georgetown, Delaware, reported by Lorena J. Hartnett,
a Registered Professional Reporter and Notary Public.

.. . . .

LORENA J. HARTNETT, R.P.R.
(302) 426-1007 or 736-3661

1 Q. Uh-huh.

2 A. I got a sister who is a housewife in
3 Salisbury, and one sister works at Home Depot in
4 Salisbury.

5 Q. Okay, thank you. What is the highest
6 level of education, sir, that you obtained?

7 A. I completed the twelfth grade.

8 Q. Okay, high school graduation?

9 A. Yes.

10 Q. What high school, please?

11 A. Worcester Junior-Senior High School,
12 Newark, Maryland.

13 Q. Where was it, please?

14 A. Newark, Maryland.

15 Q. Newark, Maryland. Do you attend
16 church regularly?

17 A. No.

18 Q. And I think we asked, I asked you this
19 question quickly before, but there is no -- You
20 don't have any mental problems that would
21 interfere with your deposition?

22 A. No.

23 Q. Okay. When did you first become
24 employed by the company, if you can tell me?

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1 A. 11/5/83.

2 Q. And what position were you hired for?

3 A. Truck driver.

4 Q. What kind of truck driver?

5 A. Beg your pardon?

6 Q. What kind of truck driver?

7 A. Live haul.

8 Q. So did you have a CDL at that time?

9 A. I had a Maryland Class A at that time.

10 Q. Okay, and the CDL came later, as I
11 recall?

12 A. Yes.

13 Q. Okay, and just briefly tell us what
14 you did as a live haul truck driver?

15 A. Came in at night, weighed out a truck
16 on Mountaire scales, and wherever was scheduled
17 for me to go, that's where I went to receive a
18 load of chickens and transport them back to the
19 processing plant.

20 Q. And which processing plant was that?

21 A. It was Mountaire Poultry in
22 Selbyville, Delaware.

23 Q. Okay, and is that the location that
24 you were first employed by?

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1 A. Yes.

2 Q. And you are still employed at that
3 location?

4 A. Yes.

5 Q. Who was your supervisor at the time?

6 A. At that time it was Don Hopkins,
7 Donald Hopkins.

8 Q. Okay. When did you become a crew
9 leader, sir?

10 A. September of '89.

11 Q. And did you consider that to be a
12 promotion?

13 A. Yes.

14 Q. And who was your supervisor at that
15 time?

16 A. Doug Lynch.

17 Q. Okay, can you tell me how you, how it
18 is you became promoted to a crew leader's
19 position?

20 A. Being a truck driver, I knew a lot of
21 the employees, and Charles Showell was getting
22 ready to retire, and I spoke with Mr. Showell and
23 I spoke with Mr. Lynch, and they decided to put
24 me as crew leader.

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1 Q. Okay, great. Now, as a crew leader,
2 your primary role was to manage the crew that was
3 catching chickens?

4 A. Yes, to the best of my knowledge.

5 Q. Okay. How many employees were on your
6 crew?

7 A. Seven.

8 Q. Okay.

9 A. Seven chicken catchers, one forklift
10 driver, and at that time three truck drivers.

11 Q. The three drivers were also part of
12 your crew?

13 A. Yes.

14 Q. Okay, so that was seven catchers, one
15 forklift driver, and three drivers. And the
16 drivers we are referring to, again, are live haul
17 drivers?

18 A. Yes.

19 Q. The employees who worked in your crew
20 from 1989 till the time that you left -- By the
21 way, you probably told me, but I didn't write it
22 down. When did you stop becoming a crew leader?

23 A. April '03.

24 Q. April of '03?

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1 A. Yes.

2 Q. When you were a crew leader, did
3 people, catchers who worked for you, they were
4 covered by a union contract?

5 A. Yes.

6 Q. Okay, and do you know which union?

7 A. Local 355.

8 Q. Of the Teamsters?

9 A. Teamsters.

10 Q. Okay. And has that been true from '89
11 through April of '03?

12 A. Could you --

13 Q. Sure. For all the time that you were
14 a crew leader, were they covered by, were they
15 represented by the Local 355?

16 A. Yes.

17 Q. Okay, now, from the time you have been
18 a crew leader, and I am talking about from 1989
19 through April of '03, that's the period of time
20 that I am going to be referring to, did you have
21 new catchers come onto your crew from time to
22 time?

23 A. Yes.

24 Q. And were you responsible for making

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1 sure they were trained properly?

2 A. Yes.

3 Q. Did you ever select any of these
4 catchers to come onto your crew?

5 A. Yes.

6 Q. Okay, who did you select?

7 A. Zarina Bagwell.

8 Q. Okay. Now, I understand the period of
9 time I am asking was a long time, so --

10 A. Yes.

11 Q. -- I wouldn't expect you to have
12 perfect recall. Anybody else that you can think
13 of?

14 A. Can you ask me that question again?

15 Q. Sure, from September of '89, again
16 this is the timeframe, until April of '03, my
17 question is did you select any employees to
18 become part of your crew?

19 You have mentioned Mr. Bagwell, and I
20 guess my question is anybody else you can
21 remember?

22 A. Yes, Warren Purnell.

23 Q. Okay.

24 A. Leroy Taylor. Lawn Howell.

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1 Q. Is that Howell?

2 A. Howell, H-O-W-E-L-L.

3 Q. Okay, thank you.

4 A. That's about it, as far as I can
5 remember.

6 Q. Okay. There may have been more, but
7 you just can't remember?

8 A. I am sure.

9 Q. Okay, that's fine. Let me ask you
10 this: This is a document. I don't have -- You
11 have copies of these.

12 This is a document, sir, that has been
13 introduced as an exhibit to Mr. Garrison's
14 deposition. It's Garrison Exhibit 2. Okay, do
15 you see that? I am just going to keep that in
16 front of you so I can ask you a couple questions
17 about this document.

18 Okay, it talks about, in roman numeral
19 two on page one, the crew leader's general
20 duties, and I am just going to go through some of
21 these.

22 MR. MARTIN: Excuse me for a moment.

23 Did you ask whether he was familiar with it,
24 the document?

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1 MR. BREWER: Oh, no, I am sure you
2 are.

3 BY MR. BREWER:

4 Q. Are you familiar with this document?

5 A. This is an old document, yes.

6 Q. Okay. And I am looking at the second
7 roman numeral, roman numeral two. It says
8 general crew leader's general duties.

9 The first one it says is you are
10 supposed to arrive at the farm at the correct
11 time. Is that one of the responsibilities as a
12 crew leader that you had?

13 A. Yes.

14 Q. It also talks about how the house is
15 to be divided. Is it your responsibility to make
16 sure that that occurred?

17 A. Yes.

18 Q. Now, I would imagine, depending on the
19 house, that sometimes there might have been more
20 sections?

21 A. Correct.

22 Q. And sometimes there would have been
23 less sections?

24 A. Yes.

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1 Q. Okay, and you would make that
2 determination as to whether it should be more or
3 less than four --

4 A. Yes.

5 Q. -- as the crew leader? Okay. It
6 talks about instructing the catchers on the
7 number of birds to be placed in each compartment.
8 Was that one of the responsibilities you had as a
9 crew leader?

10 A. Yes.

11 Q. And I think when they refer to each
12 compartment, that's also known as the hole, isn't
13 it?

14 A. Yes.

15 Q. All right. The next item down talks
16 about catching birds in place at night and how
17 you are supposed to move them. Was it your
18 responsibility for making sure that this
19 occurred?

20 A. Yes.

21 Q. And again, based on my experience in
22 the industry, that didn't always happen, did it?

23 A. No.

24 Q. And, if it didn't happen, it was your

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1 decision, based on what the house and the
2 circumstances you were confronted with, to change
3 it?

4 A. Depending.

5 Q. Right, exactly, depending on the kind
6 of house you are in and what circumstances you
7 found when you got there?

8 A. Right.

9 Q. Right. It talks about the
10 responsibility of a crew leader to continue to
11 observe the uncaught birds to prevent smothers?

12 A. Yes.

13 Q. Was that one of your responsibilities?

14 A. Yes.

15 Q. Make sure that the cages are air
16 stacked uniformly on a trailer?

17 A. Yes.

18 Q. Now, let's talk about that for just a
19 second. When we are talking about correctly air
20 stacking them on the trailer, who stacks the
21 cages on the trailer?

22 A. The forklift driver.

23 Q. Okay, and he is loading that trailer
24 for transportation back to the plant?

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1 A. Yes.

2 Q. And, obviously, what's on that truck
3 is live chickens. When it says appropriately air
4 stack them, can you explain what that means?

5 A. They each -- Two cages are stacked
6 where air can go through, through the houses.

7 Q. And you would have to make sure that
8 the forklift driver was stacking those cages
9 correctly?

10 A. Well, he had to, because there is
11 devices on the trailer that says he have to or it
12 won't go on there properly.

13 Q. Okay. But it could be off one of the
14 devices, and you would have to make sure that it
15 was correctly put on?

16 A. Right.

17 Q. And that's so that -- Part of the
18 reason is so that the birds can continue to
19 breathe, isn't it?

20 A. Yes.

21 Q. Okay, the next item, it talks about in
22 the summer making sure that the fans are left
23 hanging and so forth. Was that one of your
24 responsibilities when you were a crew leader?

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1 A. Yes.

2 Q. Okay, and did that change from time to
3 time? I mean, depending on the house, you might
4 have to change that?

5 A. Yes.

6 Q. And that was your call to make that
7 change?

8 A. Well, I got notification from my
9 manager as to what to do.

10 Q. Okay. You would be responsible for
11 making sure that the fans were taken down and
12 stabilized?

13 A. Yes.

14 Q. Okay, and how they were stabilized was
15 up to you?

16 A. No.

17 Q. Okay. Tell me how you stabilize a
18 fan?

19 A. Doug would tell me how to do it. He
20 would put on the order or call us in and say
21 well, you are going to this farm, this should be
22 done this way, or sometime he would come out
23 there and say the fans should be turned this way
24 or that way.

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1 Q. And you never made that decision
2 yourself?
3 A. Sure, at times, yes.
4 Q. I guess that's what I meant, is you
5 would make it?
6 A. Not all the time.
7 Q. Okay, but some of the time?
8 A. (Nodding head)
9 MR. MARTIN: Yes?
10 A. Yes.
11 Q. You were responsible for filling out
12 the farm ticket accurately?
13 A. Yes.
14 Q. Okay, and you were also responsible
15 for checking with the drivers to make sure that
16 the loads are secure?
17 A. Yes.
18 Q. Item three, roman numeral number
19 three, talks about various catching methods.
20 A. Number?
21 Q. Yeah, roman numeral, on page two of
22 the document that you have --
23 A. Okay.
24 Q. -- it talks about night catching.

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1 A. Okay.

2 Q. Do you see that? And then it talks
3 about day catching.

4 A. Yes.

5 Q. And it takes about N's or A-frame
6 houses and so forth. Is it your responsibility
7 to make sure that these guidelines were followed?

8 A. Yes.

9 Q. Okay. And again, during this period
10 of time that you were a crew leader, I would
11 assume that you could not always follow these
12 guidelines exactly the way they were because of
13 changes in houses and stuff?

14 A. Yes.

15 Q. And if, in your view, it couldn't be
16 done exactly the way it's set out here, you would
17 make that change --

18 A. Yes.

19 Q. -- to get it done? Okay, and that's
20 true for the day methods and night methods?

21 A. Uh-huh.

22 Q. How about tunnel ventilation, is that
23 same also true there? There are some guidelines
24 here that you are responsible for?

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1 A. Yes.

2 Q. And, again, it wasn't always possible
3 to do this, to follow this precisely?

4 A. Yes.

5 Q. And if it had to be deviated from, you
6 could deviate or you could do something different
7 than what it says here, based on what you found
8 in the house?

9 A. Yes.

10 MR. BREWER: All right. And that
11 speaks to this whole notion of tunnel
12 ventilation. Okay, I want to take a few
13 minutes.

14 MR. MARTIN: Sure.

15 (A recess was taken.)

16 BY MR. BREWER:

17 Q. Mr. Briddell, I am going to show you a
18 document that is marked as Exhibit Number 1 to
19 Mr. Garrison's deposition. You have a copy of
20 that?

21 MR. MARTIN: Yes, sir.

22 Q. And I am going to ask you to take a
23 look at that and tell me if you are familiar with
24 that document?

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1 A. Yes, I am, sir.

2 Q. Okay, and what is this?

3 A. It's a form we had to give to each
4 driver as he left the chicken farm.

5 Q. Okay. And it says, up at the top, it
6 says grower. Do you see where it says grower?

7 A. Yes.

8 Q. Who fills in that line?

9 A. Crew leader.

10 Q. Okay. And it says the houses, and
11 there are various dots. Who fills in that
12 information?

13 A. Crew leader.

14 Q. And that would be, for example, if you
15 were going to the Brewer farm --

16 A. Yes.

17 Q. -- it would say to catch house number
18 two and number six?

19 A. That's right.

20 Q. And that's what you would fill in?

21 A. Yes.

22 Q. Okay. And the time started, who fills
23 that information?

24 A. Crew leader.

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1 Q. And the time finished?

2 A. Crew leader.

3 Q. Now, when you were talking about, if
4 you remember earlier, the journal that you said
5 you had and those documents, is this the kind of
6 document that you are referring to?

7 A. Yes.

8 Q. Okay. There is a space, and it says
9 truck. What information gets put in there?

10 A. The number of the truck that the
11 driver is driving.

12 Q. The number of the truck?

13 A. Yes.

14 Q. Each truck has its own number?

15 A. Yes.

16 Q. And that's different than its license
17 plate?

18 A. Yes.

19 Q. Okay, and who fills that information
20 in?

21 A. Crew leader.

22 Q. How about it says trailer, who fills
23 that information in?

24 A. Crew leader.

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1 Q. And what would you write in there?

2 A. The number of the trailer, not the
3 license plate, the number of the trailer.

4 Q. So each truck is numbered and each
5 trailer is numbered, and you write down the
6 number of the truck and the number of the
7 trailer?

8 A. Yes.

9 Q. How about the driver?

10 A. Put the driver's name down.

11 Q. And who writes that in?

12 A. Crew leader.

13 Q. And it says N-O, period, which I
14 assume stands for number of doors?

15 A. Yes.

16 Q. And the information that's required
17 there, who puts that in?

18 A. Crew leader.

19 Q. All right. Let's go down to under the
20 first line to the latter part of the document.
21 There is a question that says, "Sign present, yes
22 or no." Who fills in that box?

23 A. Crew leader.

24 Q. And what does that mean, sign present?

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1 What do you look for to fill that in?

2 A. Every farm has an identification sign
3 at the end of its driveway or somewhere on the
4 chicken house to identify the farm.

5 Q. So, again, if you were talking about
6 Brewer's farm, there would be a sign out there in
7 front of the house that would say Brewer's farm?

8 A. With a Mountaire logo on it.

9 Q. And it's the crew leader's
10 responsibility to see that that is there?

11 A. Yes.

12 Q. And, if it is, the box yes is checked,
13 and, if it's not, the box no is checked?

14 A. Yes.

15 Q. "Grower present," who fills that
16 information out?

17 A. Crew leader.

18 Q. And how do you decide whether to check
19 the box yes or no?

20 A. Well, if you see the grower there
21 doing what was said the grower would do there, if
22 he is out there doing that prior to catching, you
23 would see him and you would have to --

24 Q. Okay, when you say doing that, you are

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1 referring to Garrison Exhibit 2 where it says
2 grower's responsibilities?

3 A. Yes.

4 Q. Okay. Now, suppose when you arrived
5 there at night the grower is asleep, I mean he is
6 just asleep, how do you check that? Do you check
7 that he is present or not?

8 A. Not.

9 Q. Okay. DAF's prior to catch. What is
10 a DAF?

11 A. Dead chickens.

12 Q. Dead at farm, is that what that stands
13 for?

14 A. Uh-huh.

15 MR. MARTIN: Yes?

16 A. Yes.

17 Q. And who fills that box out?

18 A. Crew leader.

19 Q. How do you go about deciding whether
20 to check yes or no?

21 A. If you go down through the chicken
22 house and you see all these dead chickens laying
23 around, you know how to check it yes or no.

24 Q. Okay, so, in other words, you walk in

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1 the house, the crew leader walks in the house and
2 looks around and sees if there is a lot of dead
3 chickens or one or two?

4 A. Right.

5 Q. And, depending on the amount of
6 chickens that are dead, you would decide whether
7 to check out yes --

8 A. Or no.

9 Q. -- or no. Okay, "fire fan used," who
10 fills that information out?

11 A. Crew leader.

12 Q. And tell me what that means. How do
13 you decide whether to check that box yes or no?

14 A. Well, we have documentation when you
15 use the fire fan and how to use it, and it's up
16 to the crew leader, according to the weather, as
17 to whether to use the fire fan, when I was a crew
18 leader. I don't know how they do it now.

19 Q. Okay, that's fine. And, depending on
20 how that was used, you would check the box?

21 A. Yes.

22 Q. "Chickens watered," what does that
23 mean?

24 A. That means if the driver is putting

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1 water on chickens on a very hot day, all over
2 85 degrees, I think it is. It was when I was
3 crew leader.

4 Q. Okay. And whose responsibility is it
5 to water the chickens?

6 A. Truck driver.

7 Q. If he is not doing it, can the crew
8 leader tell him to do it?

9 A. Yes.

10 Q. And who fills that out? Who fills
11 that box out?

12 A. Crew leader.

13 Q. "Feeders up," what does that mean?

14 A. If the grower has the feeder up prior
15 to catch time.

16 Q. Okay, and if he doesn't, you check the
17 no box?

18 A. Yes.

19 Q. And what do you do?

20 A. If it's not up?

21 Q. Yes.

22 A. Do it myself, if the equipment is
23 there to do it with.

24 Q. All right, and if it's not there?

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1 A. You have to call Doug or Nuse.

2 Q. Do you ever get in touch with the
3 grower?

4 A. Sometimes you have to call the
5 processing plant, and the processing plant will
6 call people, and sometimes they still don't get
7 them. Sometimes we do.

8 Q. Well, if you arrived on a farm and the
9 feeders were not up but the grower was present,
10 could you tell the grower to get the feeders up?

11 A. No.

12 Q. You couldn't?

13 A. No.

14 Q. Okay. How about the water up?

15 A. It applies the same thing as the
16 feeder.

17 Q. Okay, so if you arrive and the water
18 is not up and the grower is present, you can't
19 tell the grower to get the water up?

20 A. No, that's his equipment.

21 Q. Okay, how about stoves up?

22 A. Grower's responsibility.

23 Q. Okay, but who checks the box?

24 A. I do.

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1 Q. "Farm damage, yes or no," how do you
2 decide -- Who fills that out, first of all?

3 A. I do, the crew leader.

4 Q. Okay. And how do you know what box to
5 check?

6 A. If I see my forklift driver or
7 catchers break something.

8 Q. Okay, well, let's assume -- When you
9 first get to the farm --

10 A. Yes.

11 Q. -- when you walk around the house to
12 see if there were any DAF's, stuff like that, do
13 you take a look at the houses and everything else
14 to make sure that they are --

15 A. Yes.

16 Q. Okay, and if you see damage at the
17 point before anybody started working, you would
18 check the box that there was farm damage?

19 A. No, I would write it down on a
20 separate piece of paper.

21 Q. Okay, and what would you do with that
22 piece of paper?

23 A. At the end of the day, if I didn't see
24 my forklift driver catch or break anything, I

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1 would mark no, we didn't do it.

2 Q. All right, but you would have a
3 separate piece of paper which noted the fact that
4 there was damage there before you started?

5 A. Yes.

6 Q. Okay. The next box, moving to the
7 right, it says "The drive entrance, acceptable or
8 unacceptable." Who checks that box?

9 A. Crew leader.

10 Q. How do you know, how do you decide
11 whether to check the accept box or the unaccept
12 box?

13 A. Well, we get the information from our
14 manager, and he would tell us or ask us what to
15 look for, and then I would have to determine it
16 from there.

17 Q. What would your manager tell you?

18 A. If the drive entrance is level, enough
19 footage for the trucks to get in and out, things
20 of that sort.

21 Q. All right. Does the manager tell you
22 this for every farm that you go to?

23 A. He would basically tell us what to
24 expect or --

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1 Q. You have to be -- I'm sorry, I didn't
2 mean to interrupt you.

3 A. He would tell us what to look for.

4 Q. Okay, but after being a crew leader
5 for awhile, you came to know what to look for?

6 A. Right.

7 Q. And, depending on whether it was
8 level, whether it was potholes in it, or whether
9 there was enough room to put the truck in, you
10 would make a determination as to whether the
11 drive entrance was acceptable or unacceptable?

12 A. Yes.

13 Q. And you would check that box?

14 A. Yes.

15 Q. How about the house entrances, who
16 would fill that out?

17 A. Again, I would get information from my
18 manager as to what to do and what not to do, what
19 to look for, what not to look for, and then I
20 would have to determine or sometimes get my
21 manager out.

22 Q. Okay, but after being a crew leader
23 for awhile, you generally know what is an
24 acceptable house entrance and what isn't, don't

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1 you?

2 A. Yes.

3 Q. And you would then make a decision
4 based on what you saw and based on your
5 experience as to what box to check?

6 A. Yes.

7 Q. Okay, "roads loading area," what does
8 that mean?

9 A. That's a loading zone. That's a
10 loading zone, so many footage, I forget now, as
11 to where the truck is supposed to be and where
12 the forklift is supposed to be to run around to
13 load it.

14 Q. Okay, and who fills that box out?

15 A. Crew leader.

16 Q. And this has "Explain." What, if
17 anything, would you write in that box?

18 A. If there wasn't enough room to load a
19 truck and we had to get onto the grower's lawn or
20 into his crop field or something like that,
21 somewhere we are not supposed to be, you got to
22 call your manager or let him know, or when you
23 got done that day let him know.

24 Q. And you would fill that information

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1 in?

2 A. Yes.

3 Q. Okay. "Leader condition," what does
4 that refer to, please?

5 A. Houses not ventilated properly, such
6 as wet houses, too tight, too dry.

7 Q. And who fills that out?

8 A. Crew leader.

9 Q. And how do you know whether to say
10 that's acceptable or unacceptable?

11 A. Whether the forklift can run in there
12 properly or not, if the forklift is in there
13 getting stuck or the catchers are walking through
14 mud when they are not supposed to.

15 Q. Okay, so you would observe that and
16 then, based on what you observed, you would
17 decide whether it's acceptable or unacceptable?

18 A. Yes.

19 Q. Okay, let's see. You mentioned on
20 your crew you carried seven catchers. Did you
21 ever have more than seven?

22 A. At times.

23 Q. How many more did you have?

24 A. Sometimes we would carry more than --

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1 catchers, did you ever give one catcher a day
2 off?

3 A. Depending on whether they wanted that
4 day off or not, or whether they wanted to set out
5 a load, or whether each man wanted to get in a
6 load to make up for it.

7 Q. And how about somebody who basically
8 said I would like next Tuesday off?

9 A. If they asked for next Tuesday off?

10 Q. Right.

11 A. Could you repeat your question?

12 Q. Let me rephrase the question this way:
13 When you had eight catchers, Mr. Gibbs talked
14 about he would give one man off on Monday,
15 another man off on Tuesday, another man off on
16 Wednesday.

17 A. Yes.

18 Q. He would rotate days, and I want to
19 know if you did the same thing.

20 A. Yes, let me correct that. I did carry
21 catchers and there were people who would have a
22 day off.

23 Q. And you would decide the day off,
24 whether somebody had Monday, somebody had

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1 Tuesday, somebody had Wednesday?

2 A. Yes.

3 Q. And that's why you had eight catchers.
4 Okay. Now, you also mentioned that -- Did you
5 ever have nine catchers?

6 A. Yes, during the summer.

7 Q. And these are the people that you said
8 coming from the plant who were inexperienced?

9 A. Yes, who would fill in for people that
10 was out that couldn't make it that day.

11 Q. Okay. And if these people hadn't
12 caught before, you would sort of tell them what
13 to do?

14 A. I would try to teach them.

15 Q. Yeah, sure, that's what I mean. Okay.
16 Did you ever take over another crew leader's crew
17 when that person was on vacation?

18 A. Yes. No, I am not going to say on
19 vacation. I am going to say it was some kind of
20 problem and my crew was working and we fell short
21 a crew leader, yes, I have done that.

22 Q. Okay. And how many times would you
23 say you did that, approximately? Again, I
24 understand it's a difficult question.

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1 A. All I can say is it was several times.

2 Q. Several times?

3 A. Yes.

4 Q. Again, would that be several times a
5 year?

6 A. Over a period of time.

7 Q. Over a period of time? Over this
8 period of time that we are talking about, which
9 is from '89 through '03?

10 A. Yes.

11 Q. Okay. Let me ask you do catchers ever
12 change crews on a sort of a temporary basis?

13 A. Yes.

14 Q. Okay, and did people in your crew
15 change crews on a temporary basis from time to
16 time?

17 A. Yes.

18 Q. Okay. Explain to me how that
19 happened.

20 A. When the chicken catchers, when I was
21 crew chief --

22 Q. Right.

23 A. -- from time to time we would fall
24 short, one crew or another would fall short, and

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1 we would have catchers voluntarily go to another
2 crew or ask to go to another crew, yes.

3 Q. And did anybody on your crew ever ask
4 to go to another crew?

5 A. From time to time.

6 Q. And would you approve that?

7 A. It wasn't for me to approve. It was
8 for that catcher or my manager to approve.

9 Q. Well, let me ask the question this
10 way: Let's assume you had seven catchers on your
11 crew. And that's what you need to catch;
12 correct?

13 A. Yes.

14 Q. And one of those catchers said, "I
15 want to go to Mr. Garrison's crew."

16 A. After I got my work done.

17 Q. But I am talking about while your work
18 is being done.

19 A. No, no, because that would leave me
20 short.

21 Q. That's right. That's my point.
22 That's my point.

23 A. Uh-huh.

24 Q. So if he wanted to go to

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1 Mr. Garrison's crew while you were still working,
2 you would tell him no?

3 A. If he was assigned to my crew, no.

4 Q. You would tell him no?

5 A. Right.

6 Q. Okay, that's fair enough. Now, after
7 your work was finished, if he wanted to go, you
8 would --

9 A. Yes.

10 Q. -- say fine, I assume, and you would
11 let him go?

12 A. Yes.

13 Q. Because your work is done; right?

14 A. Right, but Doug still had to know
15 about it.

16 Q. Oh, I am not saying he didn't have to
17 know about it, but I am saying you could let him
18 go, you could say, "Fine, we are finished. You
19 can now go work for Mr. Garrison," and then you
20 would tell Doug about it?

21 A. But I couldn't say no, he couldn't go.

22 Q. Okay, unless you were still working?

23 A. Right.

24 Q. Then you could. Okay, let's see. Let

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1 me ask you a couple of questions here.

2 I think we have already talked about
3 the fact that as a crew leader you make sure the
4 catchers, drivers and the forklift operators
5 follow those guidelines that we talked about?

6 A. Yes.

7 Q. You also interact with the grower,
8 don't you, you talk to the grower?

9 A. Yes.

10 Q. And you are supposed to, as a crew
11 leader, keep a good relationship with the grower,
12 aren't you?

13 A. Yes.

14 Q. As a crew leader, if one of your
15 catchers did something that you told them not to
16 do, you were able to give them an oral warning or
17 a verbal warning?

18 A. Yes.

19 Q. Okay, and did you ever do that?

20 A. Yes.

21 Q. Okay. Did you ever have occasion,
22 when you were a crew leader, to deal with the
23 people in accounting?

24 A. Could you repeat that question?

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1 Q. One, when you were a crew leader, did
2 you ever have any occasion to deal with the
3 people in accounting?

4 A. Yes.

5 Q. Okay, can you tell me what would cause
6 you to deal with the people in accounting?

7 A. When I was crew leader, at the time
8 they had something called petty cash. If a
9 catcher worked that day, he would get partial
10 pay, and I would have to go to the accounting
11 office and deal with whoever was working on the,
12 at the accounting office on that desk that
13 handled that.

14 Q. All right. Let me make sure I
15 understand what you just told me. If somebody on
16 your crew wanted like advance, an advance in
17 pay --

18 A. Yes.

19 Q. -- they would come to you --

20 A. Come to me.

21 Q. -- and you would go to accounting --

22 A. Yes.

23 Q. -- to get the money, and then you
24 would give it back to them?

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1 A. At first, yes.

2 Q. Okay. Let me just see if I have
3 copies of these. Let me just take a minute. I
4 am going to need some copies.

5 (Mr. Owens out to get copies.)

6 While Mr. Owens is doing that, let me
7 ask you a couple of questions.

8 A crew leader also has some
9 responsibility to tell the driver how to position
10 the truck, where to position the truck so it
11 could be loaded?

12 A. Yes.

13 MR. BREWER: We will have this marked
14 as Briddell 1.

15 (The reporter marked Briddell
16 Exhibit 1.)

17 MR. BREWER: Sir, I have given you a
18 packet of documents. Before we get to that,
19 let's make this exhibit two to this
20 deposition.

21 (The reporter marked Briddell
22 Exhibit 2.)

23 BY MR. BREWER:

24 Q. Mr. Briddell, take a look at what's

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1 been marked as Exhibit 2.

2 A. Okay.

3 Q. This is what you were -- Is this what
4 you were referring to dealing with accounting?

5 A. Yes.

6 Q. I see there is a gentleman by the name
7 of Freddy Matthews?

8 A. Yes.

9 Q. Is he a catcher from your crew?

10 A. Yes.

11 Q. And what, he wanted \$60?

12 A. Yes, he wanted advance pay.

13 Q. Okay, and you approved it? Is that
14 your signature there?

15 A. Yes, it is.

16 Q. And you are showing that Mr. Matthews
17 received that money, the \$60?

18 A. Yes.

19 Q. And that was in July of 2002?

20 A. I don't remember.

21 Q. Okay, that's what the date says there.
22 Okay, can you tell me is that your writing where
23 it says 7/3/2002?

24 A. Yes.

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1 Q. That is your writing?

2 A. Yes.

3 Q. Okay.

4 MR. MARTIN: We are looking on the
5 front page; are we not?

6 MR. BREWER: Yes.

7 THE WITNESS: Yes.

8 BY MR. BREWER:

9 Q. All right, on page two, I can't
10 pronounce the person's last name. Do you know
11 who?

12 A. Collick.

13 Q. Mr. Collick?

14 A. Yeah.

15 Q. Do you know Mr. Collick?

16 A. Yes.

17 Q. How do you know him?

18 A. He worked on my chicken catching crew.

19 Q. And he is requesting an advance of
20 \$50?

21 A. That's correct.

22 Q. And that's basically on the same day,
23 July 3 of 2002?

24 A. Yes.

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1 Q. And I see you approved that?

2 A. Yes.

3 Q. And then gave him, counted the money
4 and gave it to him?

5 A. Yes.

6 Q. Okay, next page is Mr. Purnell?

7 A. Yes.

8 Q. Was he a member of your crew?

9 A. Yes.

10 Q. And he is requesting \$60?

11 A. Yes.

12 Q. It looks like July 3, 2002 again?

13 A. Yes.

14 Q. And you are approving that?

15 A. Yes.

16 Q. Okay. I see he didn't sign where it
17 says received. Did he get the money?

18 A. He signed on the wrong line.

19 Q. Oh, I see, I see where he signed.

20 Okay, the next one I see is a Mr. --

21 A. Gerald Fuchs.

22 Q. Oh, is that Fuchs?

23 A. Fuchs.

24 Q. Fuchs, I see, and he is requesting

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1 \$190.

2 A. Yes.

3 Q. And you approved -- It says received
4 by you and approved by him?

5 A. Yes.

6 Q. Is it signed -- You guys signed in the
7 wrong boxes? You didn't receive the money --

8 A. Right.

9 Q. -- and Mr. Fuchs didn't approve it,
10 did he?

11 A. No.

12 Q. You approved it?

13 A. Yeah.

14 Q. And he would receive it, okay. The
15 next one I see is where Mr. -- is it Finney?

16 A. Yes.

17 Q. Is Mr. Finney one of your crew
18 members?

19 A. Was.

20 Q. Was, okay. By the way, was Mr. Fuchs
21 one of your crew members?

22 A. Part time.

23 Q. Part time, okay. And Mr. Finney
24 wanted \$75?

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1 A. Yes.

2 Q. And you approved that?

3 A. Yes.

4 Q. Okay. Next I see Mr. Mike Filipe, is
5 it, or Phillip. Can you pronounce that last
6 name?

7 A. Phillips.

8 Q. Phillips, okay, and he wants \$95?

9 A. Yes.

10 Q. And you approved that?

11 A. Yes.

12 Q. And I see 5/21/2002. Is that the date
13 that you approved it?

14 A. I guess.

15 Q. Okay. Next is a Mr. -- Is it Sturgis?

16 A. Sturgis, Sturgis, yes.

17 Q. And he wanted \$125?

18 A. Yes.

19 Q. And you approved that?

20 A. Yes.

21 Q. And, lastly, we have Mr. -- Is it
22 Fuchs again, Fuchs, Mr. Fuchs wanting \$67. Is
23 that what he wants? Are you looking at that last
24 page with me?

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1 A. Yes, uh-huh.

2 Q. And it looks to be like \$67?

3 A. Yes.

4 Q. And you approved that?

5 A. Yes.

6 Q. And you went and got the money and
7 gave it to him. Okay, thanks.

8 All right, now, the next document that
9 I would like you to take a look at, let's take a
10 look at exhibit number one to your deposition,
11 sir. Okay?

12 A. Yes.

13 Q. If you look at the first page, you see
14 there is an employee name of Richard Foreman?

15 A. Yes.

16 Q. Do you know Mr. Foreman?

17 A. Yes.

18 Q. How do you know him?

19 A. He used to be one of my crew members.

20 Q. And Mr. Foreman is requesting, if I am
21 reading this correctly, three weeks of vacation,
22 but he only wants the money for it?

23 A. Yes.

24 Q. Okay, and you approved that down near

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1 the bottom?

2 A. Yes.

3 Q. Where it says supervisor, the box
4 approved is checked?

5 A. Yes.

6 Q. That's your signature?

7 A. Yes.

8 Q. The next page is Mr. Foreman again,
9 and he is requesting a floating holiday but he
10 only wants -- Again, he doesn't want the day off
11 here, does he?

12 A. Yes.

13 Q. He just wants the money, doesn't he?

14 A. Yes.

15 Q. And you approved -- Did you approve
16 this or not? I don't see a box checked.

17 A. Yes, I approved it.

18 Q. Okay. Mr. Ray Leonard, do you know
19 Mr. Leonard?

20 A. Yes, I do.

21 Q. How did you know him?

22 A. Working with him, a relative, but he
23 wasn't on my crew.

24 Q. He wasn't on your crew?

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1 A. No.

2 Q. What did he do for the company, if you
3 know?

4 A. Chicken catcher.

5 Q. Oh, he was a catcher?

6 A. Right.

7 Q. But not on your crew?

8 A. No.

9 Q. Okay, and he wanted, he wants a
10 floating day, a calendar day, but money only?

11 A. Yes.

12 Q. And by money only, that means he
13 doesn't want the day off, he just wants to be
14 paid for the day and he will also work; correct?

15 A. Right.

16 Q. And you approved that?

17 A. No, that's not my signature.

18 Q. Okay. And again Mr. -- I see
19 Mr. Leonard again. Is that your signature at the
20 bottom approving it?

21 A. No.

22 Q. Okay. Do you know whose that is?

23 A. No.

24 Q. Let's go to Mr. Purnell. He is asking

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1 for vacation. Do you know Mr. Purnell?

2 A. Yes.

3 Q. How do you know him?

4 A. He was one of my crew members.

5 Q. Okay, and he is asking for vacation?

6 A. Yes.

7 Q. And it looks like he wants two weeks
8 vacation, but again he wants to be paid for them
9 and he will continue to work?

10 A. Yes.

11 Q. And is that your signature?

12 A. Yes.

13 Q. Supervisor, okay, and you are
14 approving that?

15 A. Yes.

16 Q. Again, Mr. Purnell is requesting two
17 weeks of vacation for money only? Do you see
18 where I am?

19 A. Yes, I am with you.

20 Q. And you approved that?

21 A. Yes.

22 Q. That's your signature?

23 A. That's my signature.

24 Q. Mr. Purnell again requesting a

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1 personal day, money only, and is that your
2 signature? Did you approve that?

3 A. Yes.

4 Q. Next, Mr. Purnell again, he is
5 requesting two weeks of vacation for money only.
6 Is that your signature approving that?

7 A. No.

8 Q. That's not your signature approving
9 that. Okay. Mr. Purnell again, requesting money
10 only for a floating holiday. Did you approve
11 that, sir?

12 A. Yes.

13 Q. Okay, because I didn't see a box
14 checked. That's why I asked.

15 A. Right. What's the date on that?
16 What's the --

17 Q. I'm sorry, which page are you
18 referring to now?

19 A. Warren Purnell.

20 Q. What is the --

21 A. It's 4/26, what is that, '93?

22 Q. Yes, that's his date of hire.

23 A. Okay, yes.

24 Q. Okay. Mr. Purnell again requesting an

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1 anniversary day, money only, it looks like a
2 calendar and an anniversary, although I guess it
3 says both. Did you approve that, sir?

4 A. Yes.

5 Q. Again with Mr. Purnell, is that your
6 signature on the bottom of this page?

7 A. No.

8 Q. You have no idea whose it is?

9 A. No.

10 Q. The next document, again dealing with
11 Mr. Purnell, he is requesting a floating holiday,
12 but he again just wants the money. And did you
13 approve that?

14 A. Yes.

15 Q. Is that your signature?

16 A. Yes, it's my signature.

17 Q. Okay. The next document is a Ricky
18 Sturgis, is it?

19 A. Yes.

20 Q. Do you know Mr. Sturgis?

21 A. Yes.

22 Q. How do you know him?

23 A. He is one of my crew members.

24 Q. Okay, and he is requesting a floating

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1 holiday but he only wants money?

2 A. Yes.

3 Q. And is that your signature approving
4 it?

5 A. Yes.

6 Q. Mr. Sturgis again is requesting four
7 weeks of vacation, to be paid for it, and he will
8 continue to work those four weeks, I am
9 gathering, where it says money only; correct?

10 A. That's correct.

11 Q. And is that your signature approving
12 it?

13 A. Yes.

14 Q. Mr. Sturgis again is requesting a
15 floating holiday. Is that your signature
16 approving this?

17 A. Yes.

18 Q. Oh, I'm sorry, I shouldn't say
19 approving it. I don't see a box checked. Did
20 you approve it?

21 A. My signature is there.

22 Q. Okay. Mr. Sturgis again, he wants
23 vacation all weeks due, he says, and he only
24 wants the money, and is that your signature at

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1 the bottom approving that?

2 A. Yes.

3 Q. Mr. Sturgis again is requesting two
4 days off, the 20th and the 21st. Do you see
5 that?

6 A. Yes.

7 Q. And is that your signature?

8 A. Yes.

9 Q. And did you approve it, because I
10 don't see a box checked?

11 A. Yes.

12 Q. You approved those two days off for
13 him. The next one is a Mr. Tindley,
14 T-I-N-D-L-E-Y. Is that how you say his name,
15 Tindley?

16 A. Yes.

17 Q. Do you know Mr. Tindley?

18 A. Yes.

19 Q. How do you know him?

20 A. He is one of my crew members.

21 Q. And he is requesting an anniversary
22 day, but he only wants the money for it; is that
23 right?

24 A. Yes.

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1 Q. And is that your signature?

2 A. No.

3 Q. Mr. Tindley again, down at the bottom,
4 is that your signature?

5 A. No.

6 Q. Mr. Tindley again, is that your
7 signature?

8 A. Yes.

9 Q. And he is requesting some vacation, he
10 wants four weeks of vacation, but he only wants
11 the money.

12 Okay, Mr. Tindley again is requesting
13 an anniversary day. He only wants the money; is
14 that right?

15 A. Yes.

16 Q. And is that your signature?

17 A. No.

18 Q. Okay. The next page for Mr. Tindley,
19 four weeks vacation again. Is that your
20 signature at the bottom?

21 A. Yes.

22 Q. And he again wants four weeks
23 vacation, he only wants the money. And did you
24 approve that?

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1 A. Yes.

2 Q. Okay. Mr. Robert Wise, is that your
3 signature?

4 A. Yes.

5 Q. And he is asking for a floating
6 holiday?

7 A. Yes.

8 Q. But only the money, okay. Mr. Wise,
9 did you know Mr. Wise?

10 A. Yes.

11 Q. How do you know him?

12 A. Crew member.

13 Q. One of the members of your crew?

14 A. Yes.

15 Q. And Mr. Wise again is requesting a
16 week vacation?

17 A. Yes.

18 Q. But he only wants the money?

19 A. Yes.

20 Q. Is that your signature, sir?

21 A. Yes.

22 Q. And you approved it. Mr. Finney, do
23 you know Mr. Finney?

24 A. Yes.

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1 Q. And how do you know him?

2 A. He was one of my crew members.

3 Q. And he is requesting a, it looks like
4 a week's vacation, but he only wants the money.
5 Am I correct on that?

6 A. That's correct.

7 Q. And is that your signature?

8 A. Yes.

9 Q. Did you approve this or not?

10 A. Yes.

11 Q. You approved it?

12 A. Yes.

13 Q. Looking at Mr. Foreman, is that,
14 Bardel Foreman?

15 A. Yes.

16 Q. Do you know Mr. Foreman?

17 A. Yes.

18 Q. How do you know him?

19 A. One of my crew members.

20 Q. And he is requesting a week's
21 vacation?

22 A. Yes.

23 Q. And he only wants the money?

24 A. Right.

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1 Q. And is that your signature?

2 A. Yes.

3 Q. Mr. Foreman again is requesting, it
4 looks to me, like a floating holiday, personal
5 day?

6 A. Yes.

7 Q. And he only wants the money?

8 A. Yes.

9 Q. Is that your signature?

10 A. Yes.

11 Q. And you approved that?

12 A. Yes.

13 Q. Mr. Foreman again is requesting
14 another day. Is that your signature, sir?

15 A. Yes.

16 Q. And you approved that request?

17 A. Yes.

18 Q. Mr. Jackson, do you know Mr. Jackson?

19 A. Yes.

20 Q. How do you know him?

21 A. He was one of my crew members.

22 Q. And he is requesting a floating
23 holiday?

24 A. Yes.

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1 Q. He only wants the money, though?
2 A. Yes.
3 Q. And is that your signature?
4 A. Yes.
5 Q. Again, Mr. Jackson is asking for
6 vacation, one week of vacation, but he only wants
7 money?
8 A. Yes.
9 Q. Is that your signature?
10 A. Yes.
11 Q. You approved that. Is this
12 Mr. Tarman, is that T-A-R-M-A-N?
13 A. Jarman.
14 Q. Jarman, J-A-R. Do you know a
15 Mr. Jarman?
16 A. Yes.
17 Q. How do you know him?
18 A. He is one of my crew members.
19 Q. And he is requesting a day off, a
20 floating holiday, an anniversary holiday of some
21 type?
22 A. Yes.
23 Q. And he only wants the money?
24 A. Yes.

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1 Q. Is that your signature?

2 A. No.

3 Q. Let's go to the next one with

4 Mr. Jarman. Is that your signature at the
5 bottom?

6 A. No.

7 Q. Do you have any ideas whose that is?

8 A. No.

9 Q. All right, let's go to the next one,
10 Mr. Matthews. Is that your signature at the
11 bottom?

12 A. No.

13 Q. I'm sorry, I didn't hear you, sir.

14 A. No.

15 Q. Okay, let's go to the next one with
16 Mr. Matthews. Is that your signature?

17 A. No.

18 Q. And Mr. Matthews again, is that your
19 signature?

20 A. Yes.

21 Q. Okay, and do you know a Mr. Matthews?

22 A. Yes.

23 Q. How do you know him?

24 A. He is another one of the crew members.

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1 Q. And he is requesting a day off, but he
2 only wants the money for it?

3 A. Right, yes.

4 Q. And you approved that?

5 A. Yes.

6 Q. How about Mr. Mitchell, is that your
7 signature at the bottom?

8 A. No.

9 Q. Okay. And the next one is
10 Mr. Phillips. Do you know Mr. Phillips?

11 A. Phillips?

12 Q. Phillips, yes. It should be the page
13 after Mitchell.

14 A. Matthews, Phillips, okay.

15 Q. Do you know him?

16 A. Yes.

17 Q. How do you know him?

18 A. Well, he was my forklift driver.

19 Q. He was your forklift driver?

20 A. At one time.

21 Q. Okay, and he is requesting -- Is that
22 your signature, by the way, at the bottom?

23 A. Approved, but not my signature.

24 Q. You approved it? Did you approve this

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1 but it's not your signature? Is that what you
2 are saying?

3 A. Yes.

4 Q. How about a Mr. Taylor?

5 A. Yes.

6 Q. Is that your signature at the bottom?

7 A. Yes.

8 Q. Okay, he wants a day off for money
9 only?

10 A. Yes.

11 Q. And, let's see, almost done here, a
12 Richard Foreman, do you know him?

13 A. Yes.

14 Q. How do you know him?

15 A. One of my crew members.

16 Q. And he is requesting vacation, and he
17 is also requesting a floating holiday?

18 A. Yes.

19 Q. And he is requesting only to be paid
20 for it, he will continue to work? Am I correct
21 in that?

22 A. Yes.

23 Q. Is that your signature?

24 A. No.

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1 Q. That's not your signature?

2 A. No.

3 Q. All right, and Mr. Foreman again, is
4 that your signature at the bottom?

5 A. No.

6 Q. Okay. Did you approve -- Do you know
7 about this? Did you approve this?

8 A. I don't remember.

9 Q. Okay, how about the one before with
10 Mr. Foreman, do you remember that, it was in
11 February of '02?

12 A. I don't remember.

13 Q. Okay, that's fine. Let me ask you
14 this question: If a member of your crew wanted
15 to take a day off without pay, can he do that?

16 A. Yes.

17 Q. Okay, what does he have to do to do
18 that?

19 A. If he notifies me, if it's not too
20 late and within reasonable time, some of these
21 times I would notify my manager --

22 Q. Uh-huh.

23 A. -- and we would try to work something
24 out about getting somebody to replace him, but he

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1 could take that day off.

2 Q. He could take that day off. Now, what
3 happens if he wants to take the day off and
4 doesn't tell you about it, just doesn't show up?

5 A. He still don't get paid, and we follow
6 the same procedure as trying to get somebody.

7 Q. Do you give him any disciplinary
8 action for not showing up?

9 A. Yes, but I would sometimes give them a
10 verbal warning and notify my manager.

11 Q. Okay.

12 A. Whatever the case may be.

13 Q. But if somebody asked for a day off
14 and you approved it, he wouldn't get a verbal
15 warning, would he?

16 A. Could you repeat your question?

17 Q. Sure. If a member of your crew wants
18 to have a day off and doesn't want to be paid for
19 it, I want to take a day off without pay, I
20 notify you, you say okay, I don't get a verbal
21 warning then?

22 A. No.

23 Q. Okay. The people who worked on your
24 crew, while we saw these in Garrison, in, I'm

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1 sorry, Briddell Exhibit Number 2, Number 1, I'm
2 sorry, you saw that a lot of people were
3 requesting to be paid instead of taking the time
4 off. People in your crew did take vacation,
5 didn't they?

6 A. Sometimes.

7 Q. Okay, and did you approve their
8 vacation?

9 A. If I had the help, yes.

10 Q. Okay, and, if you didn't, you
11 wouldn't?

12 A. No.

13 Q. Can you tell me this: What happens if
14 somebody who is working on your crew, when you
15 were a crew leader, if they got hurt? What would
16 you do?

17 A. I would follow company policy. But
18 then, again, if I would be near a physician, I
19 would take them. But the company wants you to
20 see that they get to the processing plant. And,
21 if I could, I would get them to the processing
22 plant.

23 Q. Okay.

24 A. But if I was near a hospital, I would

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1 proceed to the hospital.

2 Q. You would take the person to the
3 hospital to get treated?

4 A. Yes.

5 Q. Okay. Could you also call 911 if
6 something happened at a farm?

7 A. Yes.

8 Q. Let's go back for just a second,
9 because I want to see if I understand how you
10 worked it on your crew.

11 If one of your catchers wanted a day
12 off without pay and you only had seven and you
13 didn't think you could spare him, did you ever
14 call another crew leader, like Mr. Gibbs or
15 Mr. Garrison, and say, "Listen, one of my guys
16 wants a day off tomorrow or the next day, do you
17 have somebody you can send me?" Would anything
18 like that ever happen?

19 A. Yes.

20 Q. Okay. And if they said, "Yeah, I have
21 somebody I could send you," you could say to the
22 guy, "Okay, you can have the day off."

23 A. Yes.

24 Q. And would it be the reverse? Did it

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1 transport themselves to the farms?

2 A. Yes.

3 Q. Okay, so how many people did you have
4 to pick up?

5 A. Six, probably six every day.

6 Q. Okay.

7 A. There was times when I picked up the
8 whole, down through the years.

9 Q. Okay, but mostly it was five or six?

10 A. Or seven.

11 Q. Five, six or seven?

12 A. Yeah.

13 Q. But seven was your entire crew?

14 A. Chicken catchers.

15 Q. Right. Okay, let's talk about when
16 you picked up the five -- After you got the five,
17 six or seven that you picked up and you are
18 traveling on the way to the farm, was it normal
19 to stop someplace to get a cup of coffee --

20 A. Yes.

21 Q. -- get cigarettes, get a sandwich --

22 A. Yes.

23 Q. -- do this, do that? And how long did
24 those stops take, approximately?

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1 BY MR. BREWER:

2 Q. Okay, let's go. Mr. Briddell, let me
3 ask you this question, if I may: Could you
4 recommend the promotion of one of the catchers to
5 be a forklift operator?

6 A. No.

7 Q. You couldn't do that?

8 A. Could I? Oh, let me rephrase it. You
9 said could I recommend?

10 Q. Yes.

11 A. Yes, I could ask Doug about it, yes.

12 Q. We had talked earlier about your
13 giving some oral reprimands to people for various
14 reasons. Did you ever give anybody anything more
15 than an oral reprimand?

16 A. Yes.

17 Q. Okay, do you remember who, by any
18 chance?

19 A. Charles Hitchens.

20 Q. Okay. Do you remember when that was?

21 A. No.

22 Q. Okay. Anybody else you can think of?
23 And I understand -- Again, I understand I am
24 asking you to go back in time. There may have

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1 been others and you can't remember their names,
2 and that's fine.

3 A. No.

4 Q. You can't remember anybody else?

5 A. No.

6 Q. Let me ask you this question: When
7 you finished one farm and you are assigned to go
8 to another farm, you have the authority to make
9 sure that the crew works to get all the chickens
10 caught that you are supposed to get caught that
11 day, don't you?

12 A. Yes.

13 Q. And if that involves overtime, you
14 have the right to make sure that they still get
15 caught; right?

16 A. Yes.

17 Q. Let me show you, this is Exhibit 6 to
18 Mr. Garrison's deposition. You have a copy of
19 that, I believe.

20 MR. MARTIN: Yep.

21 MR. BREWER: And take a look at page
22 nine. Off the record a moment.

23 (An off-the-record discussion
24 was held.)

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1 were, for example, catchers, because when you
2 were a crew leader you weren't covered by this
3 contract, were you?

4 A. No.

5 Q. The catchers were, though?

6 A. Yes.

7 Q. All right. So it says here a
8 complaint or a grievance arising out of this
9 interpretation, and so forth, shall in the first
10 instance be taken up between the aggrieved
11 employee, which, in your case, would be a
12 catcher, right --

13 A. Uh-huh.

14 Q. -- or catchers, who take the matter up
15 with the shop steward, and then the shop steward
16 takes the matter up with the foreman in charge;
17 right?

18 A. Yes.

19 Q. So if one of your catchers had a
20 grievance, they would take it up with the
21 steward, and then the steward, in fact, an
22 employee, would take it up with you as a crew
23 leader?

24 A. They were supposed to.

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1 Q. Yeah, they were supposed to. That's
2 what this contract says they are?

3 A. Yes.

4 Q. All right, let's see. You were
5 required to write down the time that your crew
6 started at a farm?

7 A. Yes.

8 Q. And you kept the time that the
9 catchers worked at the farm?

10 A. Did I keep the time that the catchers
11 worked? Are you pertaining to the time they
12 start until the time they end for that day?

13 Q. Yes, from the time they start --

14 A. Yes.

15 Q. -- and the number of chickens they
16 caught and everything else?

17 A. Yes.

18 Q. Thank you. Let me show you Exhibit
19 Number 8 to Mr. Garrison's deposition. Have you
20 ever seen this before?

21 A. I don't remember.

22 Q. Okay. You were a crew leader at this
23 time?

24 A. Yes.

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1 Q. Okay, so you may have gotten it and
2 you may not have; you just don't remember?

3 A. I don't remember.

4 Q. Okay, that's fine. When you were a
5 crew leader and your crews were working at a
6 farm, did you have any responsibility for the
7 safety of the catchers, making sure that they
8 worked safely?

9 A. Could you say that again?

10 Q. Yeah, when you were a crew leader, did
11 you have any responsibility to make sure that the
12 catchers worked safely, that they did things in a
13 safe way?

14 A. Yes.

15 Q. Okay. Now, let me show you what is
16 exhibit -- Oh, before I do that, let me ask you
17 this question: When you went on salary, do you
18 remember when that was?

19 A. No.

20 Q. If I suggest to you it was June of
21 2002, would that seem correct to you?

22 A. Yes.

23 Q. All right, do you remember what salary
24 you were paid?

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1 A. Uh-huh. Wait a minute.

2 Q. No, that's right, the paper that you
3 have there.

4 A. I know.

5 Q. Okay.

6 A. Okay, go ahead.

7 Q. Do the vacations look to be what you
8 recall salaried people getting and hourly people
9 getting, the 355 hourly people?

10 Let me try to maybe rephrase the
11 question this way: After you have had 15 years
12 of service with the company, did you receive four
13 weeks of vacation?

14 A. Yes.

15 Q. Okay. And it looks like you have to
16 be over 20 years to get four weeks if you are
17 hourly?

18 A. Hourly, yes.

19 Q. Okay, good. That's fine. This is
20 Exhibit Number 12 to Mr. Garrison's deposition.
21 Let me show you this.

22 MR. MARTIN: Put these other things
23 away so we don't get confused here.

24 BY MR. BREWER:

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1 A. Yes.

2 Q. Were the catchers eligible for
3 bonuses?

4 A. No.

5 Q. Let's take a look at Exhibit 13 to
6 Mr. Garrison's deposition. If you look at the
7 top in the year 2001, it's Nathaniel Briddell.
8 Is that you, sir?

9 A. Yes.

10 Q. And this shows that in December of
11 2000 you received a \$99.10 bonus; correct? Do
12 you see where I am?

13 A. Yes.

14 Q. And you received a performance bonus
15 in January of '01 for \$315.70?

16 A. Say that again, now.

17 Q. In January of '01 that you received a
18 performance bonus of \$315.70?

19 A. That's correct.

20 Q. And you received another performance
21 bonus in February?

22 A. Yes.

23 MR. MARTIN: For the clarity of the
24 record, are you asking him whether this

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1 document says this or whether he recalls
2 having received this?

3 BY MR. BREWER:

4 Q. Well, we know the document says it.

5 A. Do I recall?

6 Q. Getting a bonus?

7 A. I recall getting a bonus, but I don't
8 recall the amount.

9 Q. All right, well, there is an amount
10 listed here. Does that amount seem to you to be
11 correct?

12 A. I don't remember, sir.

13 Q. You have no idea?

14 A. No.

15 Q. Any reason to think that this is not
16 correct?

17 A. I just don't remember just what the
18 actual figure was.

19 Q. I understand that. My question is is
20 there any reason that you would think that the
21 figures that are listed here are not correct?

22 A. I can't answer that question. I
23 don't --

24 Q. What do you mean you can't answer the

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1 question?

2 A. I don't know. Figures do get juggled
3 around, and I don't know.

4 Q. Figures do get juggled around?

5 A. Yes, they do, sir.

6 Q. So these figures could get juggled
7 around? Is that what you are suggesting?

8 A. Yes, they could, sir.

9 Q. Who would juggle them around?

10 A. I don't know everybody in the company.

11 Q. Everybody in the company?

12 A. I don't know everybody that works with
13 figures in the company. I just don't remember
14 the figures. I remember getting bonuses.

15 Q. Sir, I understand that, and I
16 understand that going back to January of 2001 --

17 A. Uh-huh.

18 Q. -- is awhile ago.

19 A. Yes.

20 Q. Okay, and what I am asking you is not
21 if you remember receiving that. You say you
22 don't. That's fine.

23 A. Right.

24 Q. But I am saying that this document

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1 says that's what you got.

2 A. Yes.

3 Q. And my question to you is is there any
4 reason that you can give me that we should not
5 believe that you got \$315.70 as a performance
6 bonus?

7 A. I just don't remember.

8 Q. All right, that's not responsive. I
9 am going to do it again.

10 It shows in the year 2001 you received
11 a total of \$1,423 bonus. Does that seem right to
12 you?

13 A. That's 2000 what?

14 Q. In the year 2001 --

15 A. Uh-huh.

16 Q. -- at the end of the year, it's the
17 last column on the right, it says year to date
18 earned, \$1,423.60.

19 A. I remember getting a bonus, yes.

20 Q. Okay. And if we go to the year 2002,
21 and rather than go month by month, we go to the
22 year end, it shows \$345.92. Does that seem right
23 to you?

24 A. I do remember getting a bonus, sir.

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1 Q. Okay. In 2003 it shows \$313.54.

2 A. I do remember getting a bonus.

3 Q. Okay. Of course, in 2004 you are not
4 listed because you weren't a crew leader then?

5 A. Right.

6 Q. All right, so you didn't get any
7 bonuses in 2004 because you were back as an
8 hourly employee?

9 A. Right.

10 Q. And hourly employees don't get these
11 bonuses. Now, in addition to getting a monthly
12 bonus, you also got a bonus at the end of the
13 year; right?

14 A. Yes.

15 Q. If you go down to the very last
16 column, okay, it shows the bonuses that you got
17 per month in 2001, which is that same number you
18 looked at at the top. That's the \$1,423.60.

19 A. Uh-huh.

20 Q. It shows, in addition to that, you got
21 another \$4,425.97 as an annual bonus?

22 A. I remember.

23 Q. You remember that. You remember that,
24 okay. In 2002, of course you got the monthly

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1 bonuses that we just discussed, but you didn't
2 get an annual bonus?

3 A. No.

4 Q. And you got monthly bonuses in 2003
5 but no annual bonus, because you left being a
6 crew leader in, what, I think you said April of
7 2003?

8 A. Yes.

9 Q. Okay, so you wouldn't have been
10 eligible for those.

11 Okay, let me show you what has been
12 identified as Exhibit 14 to Mr. Garrison's
13 deposition. Have you seen this before, sir?

14 A. I don't remember seeing this.

15 Q. You don't remember seeing this?

16 A. No.

17 Q. This talks about a management meeting
18 that was going to be held on a Saturday. Do you
19 remember going to a meeting in February of 2003?

20 A. No.

21 Q. You didn't go?

22 A. I don't remember going to that
23 meeting.

24 Q. You don't remember going?

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1 A. No.

2 Q. But this was addressed to crew
3 leaders?

4 A. Yes.

5 Q. And you were a crew leader in January
6 of 2003?

7 A. Yes.

8 Q. Just to be sure, you don't have any
9 recollection of getting this or seeing this?

10 A. No.

11 Q. Let me show you what's been marked as
12 Exhibit 15 to Mr. Garrison's deposition. This is
13 the Christmas invitation list for supervisors in
14 2003.

15 A. Yes.

16 Q. Under Doug Lynch your name is not
17 mentioned, is it?

18 A. No.

19 Q. Do you know why it wasn't here?

20 A. This was from Christmas dinner 2003?
21 I was -- I don't know why I didn't receive this.

22 Q. You were hourly.

23 A. Yes, that's correct.

24 Q. And this is for supervisors. This

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1 Christmas dinner is for supervisors, isn't it?

2 A. Yes.

3 Q. The hourly people don't have a
4 Christmas dinner, do they? The hourly people
5 don't have Christmas dinner, do they?

6 A. Not the hourly.

7 Q. Okay, if you look at the last page of
8 this exhibit, Christmas 2001, under Mr. Lynch
9 your name is listed there, isn't it?

10 A. Yes, it is.

11 Q. And that's because you were a crew
12 leader at the time?

13 A. That's correct.

14 Q. Did you go to the dinner?

15 A. Yes.

16 Q. Okay. Were there any people at the
17 dinner who were not supervisors, as far as you
18 know?

19 A. I don't remember.

20 Q. You don't remember. Before we move
21 into another area, can you -- I would just like
22 to know this, what you would identify as your
23 strengths as a crew leader? What do you think
24 you did the best when you were a crew leader?

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1 continues to follow a corporate policy and/or
2 practice that requires/required plaintiffs to
3 submit a daily time sheet broken down for each
4 day of the week."

5 Were you required to keep a time sheet
6 of your time broken down for each day of the
7 week?

8 A. At a point in time, yes, that I had to
9 turn in a time sheet ever day of each catcher.

10 Q. Each catcher?

11 A. Yes.

12 Q. But it was for the catchers you were
13 keeping a time for?

14 A. Yes.

15 Q. You were not keeping a time for
16 yourself?

17 A. No.

18 Q. Okay, and you have never kept time for
19 yourself as a crew leader?

20 A. No.

21 Q. Go to the next paragraph, which is
22 Paragraph 26. You can take a moment and read
23 that, if you want.

24 Okay, this basically says that the

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1 defendant, which is the company, follows a
2 practice of partial-day deductions, and it says
3 in that, "Any partial time taken off in working
4 hours by the plaintiffs," which is you, "was
5 deducted from their pay."

6 Were any deductions made from your pay
7 when you took less than one full day off?

8 A. That depends. Now, if I took off when
9 I got paid by the thousand --

10 Q. Uh-huh.

11 A. -- and I got somebody in my place, the
12 company did not pay. I paid it out of my pocket.

13 Q. Correct. I am talking about -- Let's
14 talk about the times from June of '02 when you
15 became salary. Okay?

16 A. In June of '02?

17 Q. In June of '02 when you first became
18 salaried until April of '03 when you stopped
19 being a crew leader?

20 A. No.

21 Q. There were no partial-day deductions
22 taken from your pay?

23 A. No.

24 Q. Okay. Go to the next paragraph,

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1 Paragraph 27. You can take a moment, sir, and
2 read that. I just have a couple questions about
3 that for you.

4 Okay, what this paragraph basically
5 says is that the defendants have a policy,
6 defendants being the company, have a policy of
7 again the partial-day deductions, which you said
8 did not happen when you were salaried, whereby
9 your pay was reduced because of violations in the
10 quantity of the work performed or directly
11 received a reduction in the amount of
12 compensation in the event they chose to charge
13 time off from normal hours.

14 Was your compensation reduced because
15 of violations of the quantity of work performed
16 at all?

17 A. No.

18 Q. When you were salaried, there
19 basically weren't any deductions taken from your
20 work or anything else, were there?

21 A. No.

22 Q. Take a look, sir, at that same
23 document and turn to Paragraph 32, please. Let
24 me know when you are finished.

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1 Paragraph 34. This says, "When the defendant,"
2 which is the company, "learned of plaintiff's
3 intention to seek counsel, defendant immediately
4 retaliated against plaintiffs, threatened them
5 with termination of employment if they continued
6 to pursue these issues."

7 Did anybody threaten you with
8 termination?

9 A. No.

10 Q. Did anybody retaliate against you,
11 sir?

12 A. No.

13 Q. Okay. And I think I asked you, and
14 you said no one threatened you with termination
15 from employment?

16 A. No.

17 Q. Let's see. Go to the next paragraph,
18 which I would like to read, Paragraph 36. And
19 this says, "Many of the plaintiffs have been
20 cornered by various management personnel and
21 questioned individually regarding their
22 discussions with counsel and the nature of their
23 action."

24 Were you cornered by any member of

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1 management about this lawsuit?

2 A. Cornered me and questioned me?

3 Q. Cornered? Well, this is what it says.

4 It says, "Many of the plaintiffs have been
5 cornered."

6 A. No, I don't remember being cornered.

7 Q. By anybody from management?

8 A. No.

9 Q. It also says they questioned many of
10 the plaintiffs, and it may not be you, "Many of
11 the plaintiffs have been questioned individually
12 regarding their discussions with counsel."

13 Have you been questioned by any member
14 of management regarding your discussions with
15 Mr. Martin?

16 A. Yes.

17 Q. Who?

18 A. David Nuse said, "I heard your name
19 was on the lawsuit."

20 Q. Uh-huh. Okay.

21 A. "And you won't receive anything."
22 That's all I got on that.

23 Q. David Nuse said, "I heard your name
24 was on the lawsuit."

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1 owned and operated by the defendant's upper
2 management personnel circling the parking lot of
3 the diner at which they were assembled for a
4 meeting.

5 Can you tell me anything about that?

6 A. Yes, I do remember seeing that company
7 vehicle.

8 Q. Which vehicle did you see?

9 A. I seen a tan Crown Victoria.

10 Q. And whose car was that?

11 A. I don't remember. I can't recall. I
12 did not see that person.

13 Q. You did not see the person?

14 A. No.

15 Q. But you are sure it was a company car?

16 A. I know it was.

17 Q. And what occurred? The car, it said,
18 circled?

19 A. Just circled around the parking lot
20 real slow and drove on off.

21 Q. So the car came into the parking lot?

22 A. Yes, it did.

23 Q. Circled around slowly and drove off?

24 A. Yes.

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